

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES MCCLAIN,

Plaintiff

Case No. 3:24-cv-00458-ART-CSD

ORDER

v.

HENLEY,

Defendant

On October 4, 2024, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted an application to proceed *in forma pauperis* in this matter. (See ECF Nos. 1, 4). Plaintiff did not submit a complaint.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff **until November 15, 2024**, to submit a complaint.

For the foregoing reasons, it is ordered that Plaintiff will submit a complaint to this Court on or before **November 15, 2024**.

It is further ordered that the Clerk of the Court will send to Plaintiff the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a complaint and a complete application to proceed *in forma pauperis* or pay the required filing fee.

DATED: October 17, 2024


UNITED STATES MAGISTRATE JUDGE